

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82364 of 2019

Arising Out of PS. Case No.-103 Year-2019 Thana- MAHILA P.S. District- Patna

SANTOSH @ SANTOSH KUMAR Son of Bhagwan Singh R/o Near Post
Office - Shekhpur, Musahri, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Keshav

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 21-01-2020 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Mahila P.S.Case No.103 of 2019 registered for offences punishable under Sections 376D of the Indian Penal Code.

As per the prosecution case, the victim (informant) was called by the petitioner in a hotel on the pretext of having a meeting and insisted her to stay in the night in the hotel as it is too late where she was committed rape upon her by the co-accused and it is said one co-accused Pankaj and petitioner have made videography of the same.

Submission of the learned counsel for the petitioner is that there are contradictions in the FIR and her statement recorded in the court under Section 164 Cr.P.C. and she is in habit of lodging such type of cases as she has lodged a case against



Nityanand Sharma at Jehanabad and she has also lodged another case at Gaya. Allegation of becoming pregnant is not supported by the scientific report and he has been falsely implicated in this case and furthermore, there is delay of 54 days in lodging the FIR.

Heard learned A.P.P. , who has opposed the prayer for bail.

Having heard both sides and considering the submission as made above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned court below and make prayer for regular bail, which will be considered by the learned court below without being prejudiced by the order of this Court.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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